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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
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13 Plaintiff(s),  
14 v.  
15 Defendant(s).  
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Case No. CV -GAF  
  
CIVIL TRIAL ORDER

17 This case has been set for trial on the date specified in the Court's "Case  
18 Management and Scheduling Order." The Court's procedures and requirements for  
19 civil trials are set forth below.

20 **A. MOTIONS IN LIMINE**

21 1. Motions in limine are not to be used as disguised motions for summary  
22 judgment. Their purpose is limited to alerting the Court to significant evidentiary issues  
23 that can be addressed and resolved prior to trial.

24 2. The Court has found that many of the issues raised in motions in limine can  
25 be readily resolved by counsel if they prepare for trial in a spirit of professionalism and  
26 cooperation. Therefore, before filing any motion in limine, counsel are to meet and  
27 confer regarding the potential evidentiary dispute, and the Court is to be advised in the  
28 motion that such meeting has occurred. If either party refuses to participate in the meet

1 and confer process, the Court will impose sanctions including a resolution of the issue  
2 against the party refusing to cooperate.

3 **B. THE COMMENCEMENT OF THE TRIAL**

4 1. Counsel shall arrive in the Courtroom at 8:30 a.m. on the first day of trial for  
5 the purpose of handling logistical and administrative matters pertaining to the trial,  
6 including the submission of exhibits as discussed below.

7 2. Counsel shall present the Courtroom Deputy with the following documents  
8 on the first day of trial:

- 9 a. THREE copies of the trial Witness Estimate Form.
- 10 b. ALL of the original exhibits, with official exhibit tags attached and  
11 bearing the same number shown on the exhibit list. The original,  
12 tagged exhibits are to be placed in a tabbed binder with the exhibit  
13 number displayed prominently on the tab corresponding to the  
14 exhibit. Exhibit tags can be obtained from the receptionist in the  
15 main Clerk's Office, located at 312 North Spring Street, Room G-8.
- 16 c. A bench book containing a copy of all exhibits that can be  
17 reproduced. Each exhibit shall be side-tabbed with the exhibit  
18 number for easy referral
- 19 d. A floppy disk containing the exhibit list.
- 20 A copy of the exhibit list with all **admitted exhibits** will be given to  
21 the jury during deliberations. Counsel shall review and approve  
22 the exhibit list with the Courtroom Deputy prior to it being given to  
23 the jury.

24 3. If counsel need to arrange for the installation of their own additional  
25 equipment, such as video monitors, overhead projectors, etc., notify the Courtroom  
26 Deputy no later than 4:30 p.m. the Thursday BEFORE trial so that the necessary  
27 arrangements can be made.

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1           4. Trials commence on Tuesday at 9:00 a.m., with jury selection beginning at  
2 9:30 a.m., or as soon thereafter as possible. Trials are conducted Tuesday through  
3 Friday from 9:00 a.m. to 5:00 p.m., with two fifteen (15) minute breaks normally at  
4 10:30 a.m. and 3:00 p.m., and a lunch recess from 12:00 p.m. to 1:30 p.m.

5           5. Before trial commences, the Court will give counsel an opportunity to discuss  
6 administrative matters and anticipated procedural or legal issues. On the first day of  
7 trial, this will include a final discussion regarding voir dire questions and the content of  
8 the joint statement. During the trial, if there are any matters you wish to discuss, please  
9 inform the Courtroom Deputy.

10          6. The Court reserves the time from 8:30 a.m. to 9:00 a.m. to handle legal and  
11 administrative matters outside of the presence of the jury. Counsel is urged to  
12 anticipate matters which may need discussion or hearing outside of the presence of the  
13 jury and to raise them during this period, during breaks or at the end of the day. Trial  
14 will commence promptly at 9:00 a.m.

### 15 **C. WITNESSES**

16          1. The Court's Scheduling and Case Management Order provides for the service  
17 of witness lists two weeks prior to the Pre-trial Conference. ***These lists are to include***  
18 ***those witnesses who counsel anticipates calling at trial. These lists may be***  
19 ***amended no later than one week before trial, at which time counsel are to give final***  
20 ***notice of those witnesses whom they intend to call at trial. Modification of the***  
21 ***witness list thereafter will be permitted only on motion to the court and a showing***  
22 ***of good cause.***

23          2. During trial counsel are to give 48 hour notice of the witnesses they intend to  
24 call to testify. Thus, for example, plaintiff must advise defendant, no later than Sunday  
25 of the witnesses plaintiff intends to call on the first Tuesday of trial. Failure to adhere  
26 to this provision of the Court's order may result in the Court precluding the witness  
27 from testifying at trial.

1 **D. TIME LIMITS**

2 1. The Court will, in every case, impose time limits on the amount of time each  
3 side will have for opening statement, witness examination and closing argument. The  
4 time limits will be established at, or shortly after, the pre-trial conference.

5 2. **N.B.** At trial, the Court may cut witness examination time if it appears to the  
6 Court that the evidence being presented is cumulative. In other words, if the Court  
7 initially grants a party 10 hours of court time to examine witnesses, that time may be  
8 reduced during trial if the Court deems appropriate.

9 **E. VOIR DIRE AND JURY SELECTION**

10 1. The Court will conduct voir dire after conferring with counsel regarding  
11 potential areas of questioning. A portion of the voir dire will be based on written  
12 questions given to the jurors when they arrive at Court.

13 2. In most cases, the Court will conduct its initial voir dire of 14 prospective  
14 jurors who will be seated in the jury box. Normally the Court selects a jury of eight.

15 3. Except in an unusual case, each side will have three peremptory challenges.  
16 Therefore, if 14 jurors are in the box and all six peremptories are exercised, the  
17 remaining eight jurors will constitute the jury panel. If fewer than six peremptories are  
18 exercised, the eight low-numbered jurors (by seat number in the jury box) will  
19 constitute the jury panel.

20 **F. INSTRUCTIONS GOVERNING PROCEDURE DURING TRIAL**

21 1. Counsel are expected to cooperate with each other during trial to insure the  
22 efficient and expeditious use of the time of the Court and the jurors.

23 2. Counsel shall not refer to their clients or any witness over 14 years of age by  
24 their first names during trial.

25 3. Do not discuss the law or argue the case in opening statements.

26 4. When objecting, stand before speaking, state only that you are objecting and  
27 the legal ground of the objection, e.g., hearsay, irrelevant, etc. Do not argue an  
28 objection before the jury.

1           5. In multi-party cases, counsel are expected to coordinate their cross-  
2 examination. The Court will not permit each party's counsel to repeat previous cross-  
3 examination questions.

4           6. Do not approach the Courtroom Deputy or the witness box without the  
5 Court's permission. Please return to the lectern when your purpose has been  
6 accomplished. Do not enter the well of the Court without the Court's permission.

7           7. Please rise when addressing the Court. In jury cases, please rise when the  
8 jury enters or leaves the courtroom.

9           8. Address all remarks to the Court. Do not directly address the Courtroom  
10 Deputy, the reporter or opposing counsel. If you wish to speak with opposing counsel,  
11 ask permission to talk to counsel off the record. All requests for the re-reading of  
12 questions or answers, or to have an exhibit placed in front of a witness, shall be  
13 addressed to the Court.

14           9. Although the Court encourages the parties to stipulate to facts that are not  
15 reasonably in dispute, do not offer a stipulation unless you have previously conferred  
16 with opposing counsel and reached an agreement.

17           10. While court is in session, do not leave the counsel table to confer with  
18 investigators, secretaries, or witnesses unless permission is granted in advance.

19           11. When a party has more than one lawyer, only one may conduct the  
20 examination of a given witness and only that lawyer may handle objections during the  
21 testimony of that witness.

22           12. If a witness was on the stand at a recess or adjournment, have the witness  
23 back on the stand and ready to proceed when court resumes.

24           13. Do not run out of witnesses. If you are out of witnesses and there is more  
25 than a brief delay, the Court may deem that you have rested.

26           14. The Court attempts to cooperate with doctors and other professional  
27 witnesses and will, except in extraordinary circumstances, accommodate them by  
28 permitting them to be put on out of sequence. Anticipate any such possibility and

1 discuss it with opposing counsel. If there is an objection, confer with the Court in  
2 advance.

3 15. Counsel are advised to be on time as the Court starts promptly.  
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5 IT IS SO ORDERED.  
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7 Dated:

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8 **Gary Allen Feess**  
9 **United States District Judge**  
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